

Application No.: 10/074,617Docket No.: V9661.0027

REMARKS

Claims 1 - 27 and 29 - 31 are in the case. Claim 28 was canceled without prejudice; new claim 31 was added; and claims 1, 10, and 20 were amended to advance the prosecution of the application. Reconsideration of the subject application in view of the above amendments and the following remarks is hereby respectfully requested.

Claims 10-25, 28, and 29 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent 6,375,622. In response to this rejection, applicants will timely submit a terminal disclaimer when the rest of the rejections/objection are overcome.

Claims 10, 11, 13, 14, 16, 17, and 20-28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,447,167 to *Fleischaker* for reasons set forth on pages 2 and 3 of the Office action. To accelerate the allowance of the subject application, claim 10 was amended to recite "a method for treating a psychosomatic condition of a user." Therefore, claim 10 as amended patentably distinguishes over *Fleischaker*. In addition, claim 20 was amended to depend from claim 10 and thus is allowable for at least the same reason that claim 10 is allowable. Accordingly, the subject rejection is believed to be overcome.

Claims 20, 21, 22, 23, 25, 29 and 30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,406,426 to *Reuss et al.* for reasons set forth on page 3 of the Office action. Similar to the above remarks, the present invention as recited in claim 20 is believed to patentably distinguish over *Reuss et al.* Accordingly, the subject rejection is overcome.

Claims 1-4, 6, 7, 9, 12, 15, 18, 19, 26, and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fleischaker* for reasons set forth on pages 3 and 4 of the Office action. To accelerate the allowance of the subject application, claim 1 was amended to recite "a method of regulating the mental condition of a user." Therefore, claim 1 as amended and, for similar reasons above, claims 10 and 20 are believed to be allowable. Accordingly, the subject rejection is overcome.

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Claims 5 and 8 were objected to as being dependent up on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that because claim 1 is believed allowable in view of the above remarks, claims 5 and 8 are also believed to be allowable. Thus, the subject objection is believed to be overcome.

In view of the above, applicants respectfully submit that all pending claims are believed to be in condition for allowance. In case the Examiner does not agree with applicants' arguments presented above, applicants respectfully request that the Examiner telephone the undersigned to discuss the remaining issues to expedite the ultimate allowance of this subject application.

Finally, with respect to applicants' Information Disclosure Statement filed on March 12, 2004, the Examiner is respectfully requested to consider the references submitted and return a copy of the initialed PTO/SB/08a/b Form to the applicants.

No fee is believed to be due for this submission. Should any fee be required, please charge such fee to Deposit Account No. 50-2215.

Respectfully submitted,

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